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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,665	04/13/2004	Toshinori Hirobe	03500.018077	3090
5514 7590 02/01/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER KARIMI, PEGEMAN	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,665

Applicant(s)

HIROBE ET AL.

Examiner

Pegeman Karimi

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 10/822665 on 04/13/2007. It is noted, however, that applicant has not filed a certified copy of the foreign priority documents as required by 35 U.S.C. 119(b). The letter "submission of priority document" filed on 07/07/2004 was received, however, the foreign priority documents have not been received.

Drawings

3. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Worn (U.S Patent 6,134,102).

As to claim 1, Worn (Fig. 1) discloses a display apparatus (1) comprising: an image display section (3), a housing (2) for supporting the image display section (3), and a switch (4) arranged in the housing (2), wherein the display apparatus includes a plurality of switches (4), and wherein the plurality of switches (4) have the same function as one another (col. 4, lines 52-55) and are arranged on a left side and a right side (both sides, col. 4, lines 43-44) with respect to the image display section.

As to claim 2, Worn discloses a display apparatus (1) wherein the plurality of switches (4) is arranged on a display surface side (two sides of the display) of the image display (3) of the housing (2) (col. 4, lines 42-44).

As to claim 3, Worn (Fig. 1) discloses a display apparatus (1) wherein the plurality of switches (4) is arranged on either one of an upper edge side and a lower edge side (col. 4, lines 42-45) of the image display (3) section.

As to claim 4, Worn (Fig. 1) discloses a display apparatus (1) wherein the plurality of switches (4) is arranged on a left edge side and a right edge side (both sides, col. 4, lines 43-44) of the image display (3) section, respectively.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worn (U.S. Patent 6,134,102), and in view of Shimabukuro (U.S. Patent 7,107,079)

As to claim 5, note the discussion of Worn above, Worn does not teach object sensor. Shimabukuro teaches an object sensor (touch sensor, col.2, lines 8-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the object sensor of Shimabukuro to the plurality of switches as taught by Worn because the sensor of Shimabukuro provide a key which the user intends to operate is detected by a touch sensor and an explanation of a function associated with the key is automatically displayed, thereby avoid performing any special operation (col.2, lines 27-29).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worn (U.S. Patent 6,134,102) in view of Shimabukuro (U.S. Patent 7,107,079), as applied to claims 1 and 5, and further in view of Morgenthaler (U.S. Patent 6,310,609).

As to claim 6, note the discussion of Worn and Shimabukuro above, Worn and Shimabukuro do not teach bringing lights of ones of the plurality of switches into turn-

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on. Morgenthaler (Fig. 4) teaches a judging means (412) for bringing lights (light source, col.4, line 49) of ones of the plurality of switches (Fig. 1, 150) into a turned-on state (col. 6, lines 24-27) and lights of the others of the plurality of switches (Fig.5D, 326,328,334,340,342) into a turned-off state (Fig. 5D, col. 7, lines 65-67 & col. 8, lines 1-3) according to a result of sensing by the object sensor.

Morgenthaler does not teach the object sensor. Shimabukuro teaches the object sensor (Touch sensor, col. 2, lines 8-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the lights of the plurality of switches of Morgenthaler to the switches of Worn as modified by Shimabukuro because switches with light provide visually identifying the appropriate keys, which includes a light source mounted beneath each of the translucent keys so that when the light source is illuminated, the key associated with that light source will be illuminated for easy identification by the user (col. 1, lines 56-60).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bitetto et al. (U.S. Patent 6,975,308 B1) discloses a digital picture display frame where a motion sensor may be employed to reactivate display when motion is sensed in a room.

Vance et al. (U.S. Patent 6,498,600) discloses an electronic device including keypads that illuminate in response to proximity of a user.


Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegeman Karimi whose telephone number is (571) 270-1712. The examiner can normally be reached on Monday-Friday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pegeman Karimi
01/09/2007


CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER